

**Summary of Comments
Received by the
Iowa Department of Natural Resources**

Nutrient Management Plan for Supreme Beef, LLC

INTRODUCTION

DNR Field Office 1 received the nutrient management plan (NMP) for Supreme Beef, LLC (Supreme Beef). The Supreme Beef open feedlot is located at 22578 Highway 18, Monona, Iowa. 567 Iowa Administrative Code (IAC) 65.112(1) requires any open feedlot with a capacity of 1,000 animal units or more to submit an NMP.

DNR received requests for a public hearing on the NMP and pursuant to 567 IAC 65.112(7)"b"(5) DNR held a public meeting on August 31, 2020. Public comments were also accepted by DNR until September 1, 2020. 567 IAC 65.112(6) states that prior to approving or disapproving an NMP, the DNR may receive comments exclusively to determine whether the NMP is submitted according to the procedures required by the DNR and that the NMP complies with the DNR's NMP requirements rule.

The only decision before the DNR was to approve or deny the NMP for Supreme Beef. The NMP detailed how manure generated from the facility will be disposed of. The determination before the DNR did not involve approving or denying the actual facility nor any of its structures. DNR Field Office 1 will continue to oversee the compliance and operation of the facility and its structures.

On October 5, 2020, after a thorough review of the NMP, along with a review of the public comments, DNR Field Office 1 approved the NMP with the following revisions: the maximum number of animals allowed to be housed at the facility was reduced from 11,600 to 2,700 and only the following fields will be allowed for land application: Across Road, Alfa Gold North, Alfa Gold South, Costigan House Bottom, Freddy's, Hog Barn South, Leroy's, Marting, Meiers, North Harness, Goedken East, Goedken West, and Smith.

A summary of the public comments, along with the DNR's responses are below. Additionally, a list of the individuals who have submitted written comments and/or participated in the public hearing are listed below as well.

COMMENTS FROM PUBLIC HEARING

The following individuals presented comments during the public hearing:

NAME
Jeff Klinge
Bob Libra*
Robert Schroeder
Virginia Soelberg*
Larry Stone*
Robert S. (no last name was provided)
Matt Tapscott
Steve Veysey*

*Written Comments were also submitted that expanded on public hearing comments.

The comments from the public hearing have been summarized and are included below. A copy of the recording of the public hearing is available upon request.

COMMENTS WITHIN THE SCOPE OF REVIEWABLE COMMENTS:

Public Comment from Larry Stone: Lives on Turkey River and concerned about possible impact. Praised them initially but now concerned. Now the digester has been abandoned, questions the amount of manure that will be supplied. This high rate should not be allowed because the excess nitrogen would pollute air and water. This application will lead to water pollution. Many sinkholes are in the area and the manure will add to pollution through them. There needs to be regular soil test on the fields, Supreme Beef should be required to submit the soil analysis for public review. Clayton County residents should be concerned with excess traffic, hauling as far as 20 miles. Urge for critical review.

DNR Response: For a nitrogen-based plan, the producer is allowed to apply nitrogen at a rate equal to the planned crop's nitrogen utilization. Producers are allowed to calculate the application rate using the county average (bushels per acre) + 10%. The NMP adequately addressed this requirement. With respect to your other concerns, DNR Field Office 1 will continue to monitor and address compliance issues at the facility.

Public Comment from Matt Tapscott: What is the date for the decision on the NMP to be made?

DNR Response: DNR approved a revised NMP on October 5, 2020.

Public Comment from Steve Veysey: Bloody Run Creek is a Tier 2 Watershed. There are sinkholes nearby. Bloody Run Creek is an outstanding water. A tier 2.5 review of the NMP should be done. Submitted link to DNR on regulations that should be followed. Special

protection of watershed is needed. NPDES permit is required for site. Manure application on page 6 needs to be checked. 224 bushels/acre for corn. This yield may not be valid. Many fields are within 1,000 of sinkholes. Only N based not P based application rates. Erosion values are incorrect in the NMP. Sediment trap factors are incorrect, low values so P Index is < 2. Surface application leads to greater run-off of manure into water sources. Page 13 and 14, 15 of the NMP are very vague. Many of players are still the same as Walz Energy, many of which were bad actors. Original lagoon was wastewater not AFO. DNR should consult EPA on how to review NMP in this watershed. (Steve Veysey)

DNR Response: Producers are allowed to utilize the 5-year county average (bushels per acre) +10% to calculate nutrient application rates. Proper documentation of county yields is provided later in the report. 567 IAC 65.101(6) establishes the separation distance for land application of open feedlot effluent from a designated area at 200 feet. Known sinkholes are included in the definition of designated area. Therefore, application of open feedlot effluent is allowed to be land applied within 200 feet of a known sinkhole.

Additionally, after a thorough review of the NMP, along with a review of your comments regarding the Phosphorus Index issues you mentioned in your comments, the facility was required to remove several application fields from its NMP. Only the following fields will be allowed for land application: Across Road, Alfa Gold North, Alfa Gold South, Costigan House Bottom, Freddy's, Hog Barn South, Leroy's, Marting, Meiers, North Harness, Goedken East, Goedken West, and Smith.

Public Comment from Robert S: Who makes decision on NMP?

DNR Response: DNR field offices are responsible for reviewing and approving or disapproving the NMPs. In this situation, DNR Field Office 1 is responsible for the review and approval or disapproval of the NMP for Supreme Beef.

COMMENTS OUTSIDE THE SCOPE OF REVIEWABLE COMMENTS:

The following comments fall outside the scope of reviewable comments under the Iowa Administrative Code. 567 IAC 65.112(6) states that prior to approving or disapproving an NMP, the DNR may receive comments exclusively to determine whether the NMP is submitted according to the procedures required by the DNR and that the NMP complies with the NMP requirements rule. DNR Field Office 1 will continue to monitor and address compliance issues at the facility.

Public Comment from Jeff Klinge: Supreme Beef should be under the microscope and watched.

Public Comment from Bob Libra: If digester is no longer part of the plan does the lagoon become an AFO lagoon instead of a wastewater lagoon.

Public Comment from Virginia Soelberg: Concerned about clean water, concerned about lagoon not having a liner.

Public Comment from Robert Schroeder: REAP for all counties pollution control for White Farm Equipment Superfund Site in Charles City. Toxic wastes. ESD not checking Walz Energy for past 3 years? DNR engineering checking on blasting. Karst topography. impacted by manure application? Ludlow Township dye studies exited at Big Springs Trout Hatchery. Manure from another farm impacts a family's well. DNR should study groundwater flow from surface to sinkholes. DNR is not following Mission Statement to protect air, water, soil. DNR does not check NMP. Should be a cease and desist order for this operation.

WRITTEN PUBLIC COMMENTS

The following individuals submitted written comments during the public comment period:

NAME
Nathan Adams
Mary Damm
Greg Koether
Bob Libra
Curtis Lundy
Monte Marti
Virginia Soelberg
Larry Stone
Liane Thompson
Tammy Thompson
Steve Veysey

Written Comments:

The DNR received written comments via email and are provided as they were written to the DNR, no editing or corrections have been made. Hard copies of the actual emails are available upon request.

COMMENTS WITHIN THE SCOPE OF REVIEWABLE COMMENTS:

Public Comment from Virginia Soelberg: Northeast Iowa is a vacation destination for me, and Bloody Run Creek a favorite trout stream for my family. I have concerns about the proposed manure application plan being considered by the DNR.

Are Floodplain and stream separation and distance regulations being met? Is this adequate for an Outstanding Iowa Water?

Does the unlined storage lagoon meet requirements and need?

Are all NPDES and construction permits complete and approved?

Well separation: Existing Karst topography may allow infiltration of pollution into ground water. Is this considered?

Land application with transportation of the manure spread over 6 townships will impact roads, tourism, and air and water quality.

Our atmosphere does not need more methane!

Sinkholes can provide a direct route for bacteria and chemicals to reach groundwater. Karst topography, as occurs in northeastern Iowa, is characterized by sinkholes, caves, and soluble rocks such as limestone that allow rapid drainage and movement of groundwater. Groundwater in this landscape may not be filtered by soils and bacteria that could remove harmful contaminants. Sinkholes should be buffered with permanent vegetation to reduce risk of groundwater contamination.

DNR Response: 567 IAC 65.101(6)"b" establishes the land application separation distances to a designated areas, such as known sinkholes, at 200 feet. Supreme Beef must adhere to these requirements. The facility has indicated that they will be hiring a certified manure applicator to apply manure. Certified applicators attend annual training specific to manure application requirements and separation distance requirements.

The remainder of the comments are outside the scope of reviewable comments under the Iowa Administrative Code.

Public Comment from Tammy Thompson: 1. Supreme Beef in my opinion did not comply with the criteria for posting a Public Notice. While the DNR may state that public notice needs to be submitted to a local newspaper within the County for all residents to be notified. Supreme Beef did not post the public notice in a local newspaper accessible to all residents in the county. Supreme Beef submitted their Public Notice to the Guttenberg Press, a newspaper that serves the residents in and around Guttenburg, Iowa (the Southern part of Clayton county). Supreme Beef is located in the Northeast corner of Clayton county, 2 miles outside of Monona, Iowa and approximately 31 miles from Guttenburg Iowa. This Public Notice only appeared in the Guttenburg Press. It was not posted in the Monona Outlook, Northeast Iowa Times, Shopper or Trader. All of these newspapers are received by the vast majority of residents

living nearest to the Supreme Beef Facility. The Shopper and Trader are free newspapers in the mailboxes of residents living in and around Monona Iowa. Many of the townships listed for manure application are not near Guttenburg either. Supreme Beef did not fairly submit Public Notice so that all residents could be equally informed of the NMP; instead they submitted a Public Notice to a newspaper that serves a town 30 miles away from the site of construction. Because they did not fairly notify the public, the NMP should be void and not considered for review. Similarly, this is a pattern to several other Public Notices posted under the Walz Energy. Regardless of the name of the LLC or corporation submitting the public notice, it is the same family and parties submitting public notices. Their approach to submitting Public Notice, is in my opinion sneaky and dishonest to the area residents of Monona. They have not been transparent to the Monona residents with the project and fail to post public notice for ALL residents to be notified and informed.

2. The NMP is vague related to how they will handle dead animals within this facility. Stating "our deads will be picked up by a local rendering service". My question related to this, What rendering service do they contract with for the "deads" pick up. There is no local rendering service around Monona, Iowa. The nearest rendering services are not "local". In my personal experience with rendering service to Clayton county for removal of dead animals can take days and up to a week to get picked up. Often hearing comments from the rendering service that they are "behind" or "backed-up". A complete NMP would have more detail related to this section than a local rendering service will pick up our deads. One would think that an operation apply for an animal unit capacity of 11,600 head would have more details in the NMP related to dead animal pick-up. My questions are, "What company will they use?", "Do they have a contract with a company for timely pick-up of dead animals", "What is their plan for dead animal disposal should a large outbreak of illness result in death of a large quantity of animals". Rendering services would not be able to handle pick-up of dead animals in large quantities. The NMP does not address mortality of animals and their handling should an outbreak of illness occur (resulting in a high number of dead cattle). We would be fooling ourselves to think this would not be a possibility in a herd of 11,600 head of cattle. This NMP lacks sufficient information related to handling dead animals for a facility of this magnitude.

3. Lastly, the NMP talks about a digestate lagoon of 39 million gallons. Is liquid manure digestate? The NMP is not clear on the handling and storage of manure in the lagoon. Again, this NMP lacks detailed information related to the handling and storage of manure in the lagoon. This NMP only references digestate, which in my opinion is different from storage and handling of liquid manure. How will they control the smell? A lagoon full of 30 million gallons of manure will be overwhelmingly odorous, causing neighbors to be unable to enjoy the outdoors.

The NMP submitted by Supreme Beef lacks enough detail for approval by the DNR. The NMP is vague in many areas, leaving this NMP unenforceable for violations in many environmental hazards if they should occur. I ask for the DNR to highly consider rejecting this NMP based on the lack of detail in important areas that could impact the environment negatively. These areas are: manure handling/storage vs. digestate handling and storage; lack of plan for handling dead

animals; failure to be transparent to the community and residents of Monona Iowa and the townships in the Northeast corner of Clayton county by publishing a Public Notice in a newspaper that is not read received by all (The Guttenberg Press). (Tammy Thompson)

DNR Response: In response to Paragraph 1 of the comments, 567 IAC 65.112(7)"a" requires that the public notice be placed "in a newspaper having a general circulation in the county where the open feedlot operation is or is proposed to be located and in the county where the manure, process wastewater, or open feedlot effluent which originates from the open feedlot operation may be applied." The notice was placed in a newspaper located in Clayton County and the facility and application fields are located in Clayton County. One of the application fields was located in Allamakee County and public notice was not placed in an Allamakee County publication. Therefore, based on this comment, Supreme Beef has removed the application field in Allamakee County from the NMP. With the removal of the Allamakee County application field, Supreme Beef met the requirements of the rule and public notice of the NMP was sufficient.

In response to Paragraph 2 of the comments, the facility is not required to provide the name of the rendering service it will utilize to dispose of dead animals. Furthermore, stating in the NMP that they will be utilizing rendering as a disposal method does not prohibit them from utilizing a combination of acceptable dead animal disposal methods if conditions (back-ups) warrant.

In response to Paragraph 3 of the comments, all factors and data included in the NMP are for cattle manure including nutrient values and amount of material produced per head per day at maximum capacity.

Public Comment from Monte Marti: Thank you for offering the zoom meeting for the public to learn more and comment on Supreme Beef's NMP. I unfortunately had some computer issues and tried to comment on but wasn't able to be heard. I hope that you can now hear my concerns and the DNR takes each into consideration before a final decision is made.

First of all, you had mentioned that the purpose of a manure management plan is to match the nutrients being applied to the land with the production intended for the land. Please help me to understand how applying 240 pounds per acre of nitrogen in areas begins to match the land's production. All of the farmland being considered in Clayton and Allamakee County is on karst, and nearly all is on a slope with parts as steep as 18%. This continuation of over application of nitrogen and phosphorous to our land all contributes to what eventually finds its way into the streams and rivers and into the Gulf. It is very likely that Walz's in their operation will also apply additional fertilizer which only adds to this excess.

After two years of sitting nearly idle there is now a lot of dirt being moved at this site as the lagoon is being built. The original lagoon was designed to hold post digestion material. What besides a liner has changed to the current construction to handle long term manure storage and

also the high possibility of an 8-10 inch rain event?

Also, it concerns me a great deal that regardless of what Walz says they will apply to their fields, what they actually will and how will the DNR or anyone else know? Four years ago an agent in the region one office in Manchester told me that he had 1500 CAFOs to keep track of. I am curious, if there is a fish kill, how often would a sample be pulled from the ground or the water near each of these CAFOs? Assuming 250 work days per year, he alone would have to check six per day.

In 2018, I attended the EPC meeting when the DNR was considering a larger fine against Walz for violating their water permit. As you know, among other things, Aldon McAfee and Jon Haman stood before the committee and assured all that they would reseed the land that had been disturbed to grasses. I drive by this site about every two weeks and until this summer no dirt had been moved. No significant seeding of the grasses had occurred and all grew up in weeds. This is not congruent with Jarad Walz's statement that he is an Iowa farmer who appreciates the natural resources. Someone whom really appreciates the resources does not saturate the ground with nitrogen and phosphorous to the point that it runs off into our trout streams and rivers.

I realize that I may have gone beyond the scope of what you are looking for with comments, but I feel a responsibility to make these points. A few years ago a supervisor in Howard County was upset that in his county it cost \$5,000 per mile to maintain the roads, and he estimated that the county only received about \$300 per mile from the operators of each CAFO. As a taxpayer in Allamakee County, I disagree with subsidizing the Supreme Beef enterprise in this way and am joined by many others who agree. Unfortunately, there are 10000+ more examples throughout Iowa.

It is the Department of Natural Resources job to protect Iowa's resources and here is another opportunity to do so. Please consider denying Supreme Beef's request as is and asking them to resubmit another which more closely aligns the nutrients with the production intended for the land.

DNR Response: The crop nitrogen needs appear to be calculated appropriately and in accordance with requirements given the inputs utilized and documented in the NMP including: crop usage rates, the application loss factor, the manure nutrient content, the optimum crop yield (based on county averages), and the crop nitrogen utilization.

After a thorough review of the NMP, along with a review of your comments regarding the Phosphorus Index issues you mentioned in your comments, the facility was required to remove several application fields from its NMP. Only the following fields will be allowed for land application: Across Road, Alfa Gold North, Alfa Gold South, Costigan House Bottom, Freddy's, Hog Barn South, Leroy's, Marting, Meiers, North Harness, Goedken East, Goedken West, and Smith.

The remaining portion of the comments are outside of the scope of reviewable comments.

Public Comment from Steve Veysey: Under the Federal Clean Water Act, (CWA) Iowa has a responsibility to in all cases limit and in some cases regulate discharges to surface waters. Under State law, similar protection from pollution must also be provided to ground waters.

Protection of existing uses and antidegradation of existing water quality are fundamental requirements for state implementation of the CWA. Current water quality standards approved by EPA for Iowa can be found at: <https://www.epa.gov/wqs-tech/water-quality-standards-regulations-iowa>. The current implementation document regarding antidegradation can be found at: https://www.iowadnr.gov/Portals/idnr/uploads/water/standards/files/antideg_2_17.pdf.

The responsibility for protecting Iowa's surface and ground waters resides with DNR, the same agency tasked with regulating animal feeding operations (AFO's). Where the two responsibilities intersect, the agency must adopt policies and procedures complementary to accomplishing both tasks. The agency cannot divorce responsibility for enforcing water quality standards from responsibilities to regulate animal feeding operations. Simply put, when WQS change, the policies and procedures used to regulate AFO's must be modified to reflect those changes. More than a decade ago Iowa clarified their water quality standards pertaining to the antidegradation of surface and ground water to better reflect the requirements of the federal CWA. As part of that process, a category of waters of exceptional quality and use was designated as Tier 2.5, deserving of special protection. These waters are sometimes referred to as Outstanding Iowa Waters (OIW), but that concept (and list of waters) predates the formal adoption of the Tier 2.5 designation. Tier 2.5 waters are a basically a subset of OIW waters of *documented higher quality*.

Protection of Tier 2.5 Waters

(from https://www.iowadnr.gov/Portals/idnr/uploads/water/standards/files/antideg_2_17.pdf)

Tier 2 ½:

Policies and procedures that prohibit the degradation of water quality of the Outstanding Iowa Waters (OIWs) as identified in Appendix B. In general, degradation of OIWs from new sources is prohibited.

Assigning Tier 2 ½ Review

The department may allow limited degradation of Outstanding Iowa Waters in three situations:

- 1) The degradation will be "temporary and limited" as defined in Section 2.4 of this document;
- 2) The applicant documents that less-degrading alternatives are not available, that effects on existing water quality be minimal, and that the project will, overall, serve to enhance the value, quality, or use of the OIW. Or
- 3) The degradation is caused by the expansion of an existing source and the applicant has conducted an alternatives analysis, selected the least degrading alternative that is "affordable" within the meaning of Section 3.2 of this document, and demonstrated the

socioeconomic importance of the project as described in Section 3.3 of this document after full opportunity for public comment.

Decisions regarding whether to allow degradation in an OIW under these limited situations will be made on a case-by-case basis using appropriate techniques and best professional judgment of department staff. From:

I have seen no evidence that a Tier 2.5 process has occurred in this instance. The review and approval of a Manure Management Plan (MMP) for this facility is totally premature, and would seem to be a clear example of DNR's systemic failure to modify AFO review procedures to be consistent with current WQS requirements, i.e. the Tier 2.5 Antidegradation policy adopted a decade ago. The facility in question is located in the watershed of a Tier 2.5 water, Bloody Run Creek, and proposes to discharge manure into that watershed, the watershed of another Tier 2.5 water, Sny Magill, and various other streams in the area that may have existing water quality deserving of at a minimum, Tier 2.0 protection.

It should be noted that the production site is adjacent to numerous sinkholes in an indisputably Karst area subject to infiltration and contamination of shallow ground water by surface spread manure. Please refer to the geology report submitted to DNR in 2018 as part of the construction stormwater review process for this facility (at the time referred to as Walz Energy). This shallow ground water expresses almost immediately as surface water in surrounding streams.

It is my strong advice that the MMP review process in progress for this facility be halted immediately and remain suspended until a full Tier 2.5 review can be conducted. Furthermore, given the previous and current confusion within DNR regarding AFO related reviews vis-a-vis proper implementation of Iowa's WQS, I strongly recommend that EPA be brought in to advise and assist DNR in this Tier 2.5 review. so Proper policies and procedures must be established that meet both state and federal requirements and expectations.

DNR Response: The above-noted comments are outside of the scope of reviewable comments.

In the event that this review process is not halted, I list below some of my concerns with this MMP.

Specific Concerns with this MMP

1. Location in Karst area and in the watershed of an Outstanding Iowa Water with Tier 2.5 designation, requiring special protection. I see no reference in the MMP to the special nature of the production watershed and the watersheds of the disposal fields. How does DNR plan to provide the special protections required in the context of reviewing this MMP?

DNR Response: The facility is required to utilize the Iowa Phosphorus Index (P Index) to determine source and transport of phosphorus loads to surface waters. After a thorough review of the NMP, along with a review of your comments regarding the

Phosphorus Index issues you mentioned in your comments, the facility was required to remove several application fields from its NMP. Only the following fields will be allowed for land application: Across Road, Alfa Gold North, Alfa Gold South, Costigan House Bottom, Freddy's, Hog Barn South, Leroy's, Marting, Meiers, North Harness, Goedken East, Goedken West, and Smith.

2. This large animal feeding operation will require an operational NPDES permit, but none has been issued. It will be proper for the NPDES permit to include special protections for the Tier 2.5 waters in the disposal field watersheds, including Bloody Run Creek and Sny Magill. DNR must be required to consider NPDES permit conditions when reviewing the MMP. This is stated on DNR's website. How does DNR plan to proceed in this regard?

DNR Response: Supreme Beef has chosen the zero-discharge option for its facility; therefore, at this time no NPDES permit is required for the facility.

3. Manure application rates (Table 4, page 6) are based upon 224 bushels per acre (the nominal county-wide yield plus 10%), but the actual yield statistics for the manure disposal fields are listed in the MMP, and are much lower. This makes sense because the fields are largely sloped and highly erodible land. In many cases, actual documented yields are *less than half* the listed county average. This will lead to gross over-application of manure and the consequent excess runoff. Not only excess N and P, but also organic solids that create killing biological oxygen demands (BOD) in the stream.

DNR Response: The rules allow producers to utilize county-wide average yields plus 10% to determine the optimum crop yield.

4. Many of the disposal fields include or are within a 1000 foot radius of known sinkholes, but no consideration seems to have been given to this fact in the MMP field selections or calculations. No map of sinkholes overlaid with disposal field locations, is included in the MMP. All of the disposal fields are in areas of Karst. These are critical omissions as DNR attempts to evaluate whether this MMP is suitable in Tier 2.5 watersheds.

DNR Response: 567 IAC 65.101(6) establishes the separation distance for land application of open feedlot effluent from a designated area at 200 feet. Known sinkholes are included in the definition of designated area. Therefore, application of open feedlot effluent is allowed to be land applied within 200 feet of a known sinkhole. Separation distance setbacks for land application of manure are clear and must be observed. The rules do not prohibit manure application in fields in areas of karst.

5. Only N-based rates are used in the calculation of manure spreading. I am not an expert in this area, however, the exclusion of P-based rates seems to be the result of inaccurate and questionable P-index (PI) calculations which in all cases give PI values less than 2. But

upon examination, the values and assumptions used in the equation are suspect.

Erosion Component + Runoff Component + Subsurface Drainage Component = P Index

In the erosion component of the equation, the “Gross erosion” term used for each field is generally much less than the erosion values actually reported based on the RUSLE2 calculation procedure. Also, the “Sediment Trap factor” used for each field is always listed as either 0.0 or 0.5. These are very low values, potentially inconsistent with farming practices and realities in NE Iowa. These low values heavily influence the final PI calculation, skewing the results towards values less than 2.0 so that P need not be used as a limiting nutrient. Also, actual P-measurements were only done for 9 of the 47 fields, yet a P-measurement value *is necessary to use the PI equation*. How was the PI calculation completed for the other 38 fields?

DNR’s Response: After a thorough review of the NMP, along with a review of your comments regarding the Phosphorus Index issues you mentioned in your comments, the facility was required to remove several application fields from its NMP. Only the following fields will be allowed for land application: Across Road, Alfa Gold North, Alfa Gold South, Costigan House Bottom, Freddy’s, Hog Barn South, Leroy’s, Marting, Meiers, North Harness, Goedken East, Goedken West, and Smith.

6. The plan allows surface application without incorporation, which inevitably leads to much greater runoff and contamination of surface and ground water by the manure solids.

DNR’s Response: Surface application without incorporation is allowed and is common on alfalfa fields. This method of application has greater separation distance requirements to designated areas.

7. The Manure Application Easement and Disposal Agreements (MAED) are critically flawed. The agreements require the landowner to list the amount of *commercial* fertilizer that will be used on the disposal fields but does not require the landowner to list other sources of manure that may or could be applied. The agreements must be modified to specifically require a listing of all other nutrient sources, including all other MAED agreements. Without that information, it is impossible to ensure that over application of manure disposed of under the Supreme Beef MMP will not occur.

DNR’s Response: 567 Iowa Administrative Code 65.112(8)“c” requires that the written agreements indicate the number of acres on which the manure, process wastewater or effluent may be applied and the length of the agreement. This information was provided in the agreements.

8. There is an overall vagueness of response to required procedural questions. Examples are:

- Page13, Diversion of Clean Water, response A. As an open feedlot, cattle must have

access to space outside of the buildings. In this regard, there is a prescribed minimum area. The response does not address how clean water will be diverted from these open areas.

DNR's Response: Supreme Beef submitted additional information to the DNR after receipt of your public comment and was deemed acceptable by the DNR.

- Page 14, Chemical Handling, responses to A2. How are excess or expired chemicals (not just containers) disposed of. No specifics are given. Considering the sensitive nature of this area (HEL / Karst / OIW) the applicant must be much more specific in response.

DNR's Response: The information provided by Supreme Beef was sufficient; there is no requirement for a more specific response.

- Page 14, Chemical Handling, responses to A3. Non-responsive. The manufacturer of the chemicals / containers cannot know the details of the sensitive area where this facility is sited. Therefore, what are the "specific steps" to be taken to ensure proper disposal in this area of HEL / Karst / OIW?

DNR's Response: The information provided by Supreme Beef was sufficient; there is no requirement for a more specific response.

- Page 15, Chemical Handling, response to A6. Non-responsive. What are the specifics of the emergency action plan? Only with specifics can DNR evaluate whether the plan is protective of this highly sensitive area.

DNR's Response: Supreme Beef submitted additional information to the DNR after receipt of your public comment and was deemed acceptable by the DNR.

Page 15, Manure and Effluent Storage. This facility was cited numerous times during the construction phase for stormwater violations. Eventually the facility was fined thousands of dollars, which is a rare occurrence in Iowa. How can DNR trust that Supreme Beef LLC will abide by the parameters and practices they put forward in this MMP, when they have repeatedly failed to abide by required construction stormwater requirements?

DNR's Response: DNR Field Office 1 will monitor compliance at the facility.

- Page 16, Inspection of Land Application Equipment. Non-responsive. Question requires a description of the "procedures" that will be followed, not just who will implement the procedures.

DNR's Response: The facility does not have control over certified manure applicators' equipment inspection procedures. Certified manure applicators are required to attend annual training to retain their certification and are expected to ensure their equipment is not leaking. DNR oversees the certification program and audits the commercial applicators.

Conclusions

This MMP review process should be halted. EPA Region 7 should immediately be brought in to advise and assist DNR in the implementation of Tier 2.5 protections as they relate to this and other animal feeding operations and the requisite NPDES permits and MMP reviews. Clearly DNR is unable or unwilling to implement these protections on their own.

DNR Response: The DNR's responses are inserted into the comments above.

Public Comment from Larry Stone: I live southeast of Elkader on land bordering the Turkey River, which could be impacted by manure applied by Supreme Beef in the watersheds of Silver Creek and Roberts Creek, which are tributaries to the Turkey.

When Walz Energy proposed this operation in 2017, I praised them for seeking better ways to handle livestock manure by installing a methane digester – but I strongly criticized the location in karst terrain and in the watershed of Bloody Run Creek, an Outstanding Iowa Water. Now, since Supreme Beef apparently has abandoned the methane digester, the project is an even worse idea, with more raw manure (not just digestate) to be stored on site, and that manure applied to farms in Clayton and Allamakee Counties.

I believe the fact that Bloody Run is an Outstanding Iowa Water should be acknowledged in the NMP, and the manure application in that watershed should have tighter restrictions.

I specifically question the amount of manure to be applied. According to Iowa State University, the optimum rate of nitrogen for continuous corn is 190 lbs/acre. Supreme Beef proposes applying 240 lbs/acre. That should not be allowed, since the excess N would enter the environment to pollute water and air.

I'm also concerned about where the manure will be applied. As just one example, on the Denning property, it appears that manure application would be permitted on slopes of up to 18%, with bedrock less than 2 feet below the surface. This almost certainly will lead to runoff and pollution. Manure application on that type of land should not be allowed.

Most of Clayton and Allamakee Counties is underlain with karst. The Supreme Beef facility, including the 38-million-gallon lagoon, is in an area with known sinkholes.

Reportedly, contractors working on the lagoon had to blast through bedrock to be able to install the required drain tile under the lagoon. That karst bedrock will – sooner or later - allow surface water to enter and contaminate the groundwater. The integrity of the manure lagoon should be

part of the determination of the approval or disapproval of the NMP.

Many of the fields where manure will be applied contain sinkholes. Heavy, continued application of manure to these fields is likely to contribute to groundwater pollution.

Supreme Beef's management plan uses hypothetical values for the nutrient content of manure, and the capacity of the land and crops to utilize that manure. There is very little consideration of phosphorus, and the likelihood is that P quantities will be well above recommended values and therefore contribute to nutrient runoff/nutrient loss/pollution.

There needs to be regular monitoring of the manure, and regular soil tests on the fields where it is applied, to assure there is not over-application. Supreme Beef should be required to provide that documentation to the DNR for public review.

Clayton County already has close to 100 animal feeding operations requiring NMPs. The DNR should have a database to cross-check those NMPs to assure that there is not land included on more than one NMP, resulting in excess application. (Larry Stone)

DNR Response: Facilities are allowed to calculate nutrient land application rates based upon the 5-year county average yield plus 10%. The calculations provided in the NMP comply with those requirements.

After a thorough review of the NMP, along with a review of your comments regarding the Phosphorus Index issues you mentioned in your comments, the facility was required to remove several application fields from its NMP. Only the following fields will be allowed for land application: Across Road, Alfa Gold North, Alfa Gold South, Costigan House Bottom, Freddy's, Hog Barn South, Leroy's, Marting, Meiers, North Harness, Goedken East, Goedken West, and Smith.

567 IAC 65.101(6)"b" includes manure application separation distance from known sinkholes as determined upon the application method. Facilities are required to comply with these restrictions.

Facilities are required to maintain records of actual manure application onsite for a period of five years and make this information available to the DNR upon request. Facilities are also required to obtain updated soil samples every four years, retain the results onsite, and make them available to the DNR upon request. The rules are specific in that a producer may not apply more than the optimum amount of manure nutrients for the planned crop, but they do not prohibit a field from being included in more than one NMP or MMP.

COMMENTS OUTSIDE THE SCOPE OF REVIEWABLE COMMENTS:

The following comments fall outside the scope of reviewable comments under the Iowa Administrative Code. 567 IAC 65.112(6) states that prior to approving or disapproving an NMP, the DNR may receive comments exclusively to determine whether the NMP is submitted according to the procedures required by the DNR and that the NMP complies with the NMP requirements rule. DNR Field Office 1 will continue to monitor and address compliance issues at the facility.

Public Comment from Greg Koether: The Walz location is one of the most fragile Karst deposits in NE Iowa. Pre pavement Hwy 18 followed that hollow up to Monona. Test drilling in 1925 showed a vast array of caves and underground fractures all along the route of 18. The highway was moved and paved in 1927, to protect that area and our water supply. This should be a no-brainer to anyone; but especially the DNR. Disaster looms. Neighbors should not have to face neighbors in defense of this resource. What exactly is your offices responsibility in the manner? As a vehement defender of property rights in the River Bluff Resorts case, I am very familiar with the DNR's position of idleness until great damage has been done. Is Chuck Gipp awake or has the money changed hands already? I happen to have been good friends with the Walz family for many years, as we co-led the Giard Future Farmers 4-H club. I have land with at least 4 wells, 3 miles directly east of the site. If problems develop, and they will, my wells will be destroyed. Please respond at your nearest opportunity.

Public Comment from Nathan Adams: This business will destroy the local habitat and trout stream with run off and this entire project should not be allowed. Businesses like this have never been able to keep their environmental impact under control and then when they have an accident the penalty is never enough to make up for the damage.

Public Comment from Carl Lundy: Thank you for hosting the online citizen input session on August 31st. I believe you said input is accepted up until 12 noon today September 1.

My question/suggestion is for the DNR to respond to each question that was raised yesterday.

There were not many questions in my breakout group. The other breakout group concluded earlier than ours, so their questions were limited in number.

Robert Schroeder and another gentleman had substantive questions that need to be addressed and resolved.

If this is not done, this whole process will be revealed for what it is - a sham. Pretend, fluffy consideration is being given to citizen and other third party quarters, while the project is merrily/quietly moved along by a few people behind closed doors in the distance who made the decision long ago.

This whole Walz Energy/Supreme Beef endeavor has been characterized by shrouded operations,

penalties, shoddy adherence to DNR orders. As questions mount and remain unaddressed, the operation moves forward without regard to the watershed and community who live and work there.

No one disputes that (1) the Walzes are a fine family; and (2) a handful of jobs will be created in an economically depressed area.

However, (1) EPA and DNR rules have been skirted and ignored; (2) the project may be a great deal, but NOT on top of karst topography covered only with a thin layer of soil, identified sinkholes and fractured rock.

Kelli, you and your colleagues have an opportunity to carry out the mandate of the DNR - protect Iowa's land and water, hand this legacy on to future generations.

I expect to see my email in the compilation of citizen input. Stand up for Iowans like a man. Even better, stand up for Iowans like a woman.

I don't mean to be impudent. However, my parking lot comment is that the DNR has conducted a most favored review of this project. It has allowed misbehavior by the owners/operators, has ignored rules and issued vague to fleckless responses to legitimate questions. Not good. Not what we need.

The best I can say is that you are severely understaffed and overmanaged as to results.

Public Comment from Liane Thompson: We are neighboring land owners concerned about the possible consequences of this project. It is unfortunate our water and air quality will be in jeopardy if this project is allowed to continue. Our Century farm, which is one quarter mile from this site, and hoping the next generation can care for. We have a 460' well that has been having issues since 2018 (not sure when they initially drilled at the site) Our well technician brought up the possible question about that affecting ours?? It is a well-known fact the area in question for large rain storms and where the runoff vs sinkholes is not a pretty one. We have invested in thousands of dollars on our land over the years in terraces and conservation practices to protect the land, not put it in harm's way! We also have a small family dairy farm (which is almost unheard of anymore) where the cattle have access to open air pastures. It is a fact diseases can be transmitted this way to other cattle. Our small herd of less than 100 total animals including the milk cows through the babies would hardly have a chance against 11,600 head!! We just hate to see something like this in our rural little area where NE Iowa has been so proud of our resources. Is this massive lagoon going to be cemented to prevent seeping into the groundwater? I'm afraid it will be just a question of time when the first big breach is. Hoping someone can see that approved steps need to be taken in situations such as this. Thank you for your concerns.

Public Comment from Bob Libra, Retired State Geologist: The Supreme Beef operation near Monona IA is proposed as a 10,000 head cattle lot, utilizing a 30-foot deep, 39 million gallon earthen lagoon to hold manure prior to application; one of the largest earthen manure storage structures permitted in the state. Lagoon construction plans and geotechnical borings indicate bedrock with 10 feet of the floor of the lagoon. Geologic data indicate the bedrock in the area is the Galena limestone, the most karst-susceptible rock layer in Iowa. The Galena contains countless sinkholes, the state's largest springs, and most extensive caves. It also supplies drinking water to numerous private wells. DNR's regulations do not allow the use of earthen manure storage in karst areas. For animal feeding operations (AFOs) the regulations state an earthen basin or lagoon must have a minimum 25 foot separation between the structure floor and the top of bedrock. When initially proposed as Walz Energy, the operation was to include a manure digester and receive outside wastes as well as manure. To my understanding, this placed the lagoon under waste water regulations, as opposed to AFO regulations, even though the manure from 10,000 cattle was the majority of the lagoons content. Waste water rules allow lesser separation from bedrock than AFO rules, 10 feet. This lesser separation reflects the fact most waste water basins in shallow-rock areas of Iowa are typically small structures, rarely over 8 feet deep.

To my understanding, is now proposed the Supreme Beef lagoon is now receiving only manure.

While it was questionable to evaluate the lagoon as a waste water structure initially, it now falls under AFO rules and requires manure storage to meet those rules. Shallow karst affected rock aquifers below earthen waste structures are susceptible to seepage, especially from a very large lagoon like this. In addition, seepage from the lagoon may result in sloughing of the underlying glacial materials into voids in the bedrock, under ponded conditions and up to 30 feet of waste liquid above. Sloughing may result in collapse of the lagoon floor and the draining of the lagoon into the bedrock, as has occurred in Iowa and geologically similar areas.

The Minnesota Pollution Control Agency summarizes the risk with earthen structures in karst with this language:

"One specific concern in karst is the potential for sinkholes to form below manure storage structures, causing a catastrophic failure and allowing contaminants to flow directly into ground water. Excessive seepage from liquid impoundments can wash underlying soil into bedrock fractures, leading to soil collapse or sinkhole formation."

(<https://www.pca.state.mn.us/sites/default/files/wq-f8-13.pdf>)

Given the clear concerns and the changed status of the operation, I would to see what actions the Department is undertaking to bring the Supreme Been manure lagoon in compliance with AFO regulations.

Public Comment from Mary Damm: I am very concerned about the proposed 11,600 animal unit Supreme Beef, LLC operation and NMP. I own a pasture-based livestock farm in the Bloody Run Creek watershed in Giard Township. The water on my property for the cattle and my house is supplied by a well in the aquifer in the Bloody Run Creek watershed.

The Walz family has illegally discharged animal waste and storm water into Bloody Run Creek under their former business, Walz Energy. I do not trust that the family will not pollute Bloody Run Creek and the aquifer again with their new operation and proposed NMP.

Please do NOT permit the Walz family Supreme Beef, LLC proposed confinement farm and NMP in Giard Township, Clayton County.